

## TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

### PRIVATE INVESTIGATION POLICIES

- POLICY #1 - RECORDS INFORMATION  
POLICY #2 - NATIONAL INSURANCE CRIME BUREAU EXEMPTION  
POLICY #3 - MORTGAGE DEFAULT INSPECTORS EXEMPTION  
POLICY #4 - TENNESSEE PRIVATE INVESTIGATOR LICENSEES TERMINATION OF  
COMPANY AFFILIATION, THIRTY (30) DAY NOTICE PROCEDURES AND  
FOLLOW-UP PROCEDURES RE: T.C.A. 62-26-204©
- POLICY #5 - OPEN APPLICATIONS  
POLICY #6 - CEASE AND DESIST LETTERS  
POLICY #7 - PRIVATE INVESTIGATOR APPLICANT & LICENSEE CORRESPONDENCE  
FORWARDED TO PRIVATE INVESTIGATION COMPANY AFFILIATE
- POLICY #8 - PRINTED OR PROMOTIONAL MATERIAL  
POLICY #9 - INDIVIDUAL/COMPANIES OFFERING SERVICES CHECKING PUBLIC RECORDS  
POLICY #10 - STAFF ATTORNEY AUTHORITY  
POLICY #11 - DISTRIBUTION OF MINUTES  
POLICY #12 - MATERIAL FALSE STATEMENTS ON APPLICATIONS  
POLICY #13 - APPLICANT EXAMINATION REQUIREMENTS  
POLICY #14 - CONTINUING PROFESSIONAL EDUCATION (CPE)  
**REPEALED 01/29/1999 [SEE POLICY #21]**
- POLICY #15 - LICENSE SUSPENSIONS  
POLICY #16 - COMPANY APPLICATION, LICENSE & RENEWAL FEES  
POLICY #17 - PRIVATE INVESTIGATION COMPANY SALES REPRESENTATIVES  
POLICY #18 - UNDERCOVER INVESTIGATORS  
POLICY #19 - 1994 CONTINUING EDUCATION REQUIREMENTS  
POLICY #20 - FAILURE TO NOTIFY THE COMMISSION AS REQUIRED  
RE: T.C.A. 62-26-212(2) and Administrative Rules 1175-1-.05 & 1175-1-.06
- POLICY #21 - FAILURE TO COMPLETE REQUIRED CONTINUING PROFESSIONAL EDUCATION  
RE: Administrative Rule 1175-2-.08
- POLICY #22 - ANONYMOUS COMPLAINTS  
POLICY #23 - INVESTIGATORS PERFORMING TEMPORARY WORK FOR INVESTIGATION  
COMPANY THAT DOES NOT HOLD THEIR LICENSE AFFILIATION
- POLICY #24 - REVIEW OF CONTINUING EDUCATION MATERIALS  
POLICY #25 - ACCEPTANCE OF P.O.S.T. TRAINING  
POLICY #26 - EXCEPTIONS TO APPLICABILITY  
POLICY #27 - RESPONSES TO COMPLAINTS REQUIRING INCLUSION OF CONFIDENTIAL  
INFORMATION
- POLICY #28 - RETIREMENT OF PRIVATE INVESTIGATOR LICENSE  
POLICY #29 - EVALUATION OF APPLICANTS FOR LICENSURE  
POLICY #30 - RENEWAL APPLICATIONS (NOTARIZED STATEMENTS, COMPANY AFFILIATION,  
LATE FEES AND PHOTOS) RE: T.C.A. 62-26-211
- POLICY #31 - APPLICANTS REAPPLYING FOR LICENSURE MUST BE IN GOOD STANDING  
POLICY #32 - CONTINUING PROFESSIONAL EDUCATION CREDIT RECEIVED FOR ATTENDING  
TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION  
MEETINGS

### POLYGRAPH EXAMINER POLICIES

- POLICY # 1 - STAFF ATTORNEY AUTHORITY

**PRIVATE INVESTIGATION POLICIES****POLICY #1 - RECORDS INFORMATION**

The following procedures are to be followed pertaining to inquiries regarding Private Investigator/Private Investigation Company licensees of the Tennessee Private Investigation and Polygraph Commission:

**TELEPHONE INQUIRIES:** Private Investigation and Polygraph Commission staff are to respond to telephone inquiries regarding licensees by indicating YES or NO, the individual or company is licensed or they are not. If requested, the staff may give out the name of an individual licensee's company affiliation and that company's address. No other information is to be made available by telephone.

**PHYSICAL INQUIRIES/PERSONS WISHING TO REVIEW THE ACTUAL FILE IN THE PRIVATE INVESTIGATION COMMISSION OFFICE:** Persons wishing to come into the Private Investigation and Polygraph Commission Office and review any licensee's file (expired or active), should be instructed that these records are available to the public, but only on specific dates and at specific times, as set by the Administrative Director for the Commission. Appointments are to be made by the Administrative Director to comply with these requests.

Prior to the release for review of any file of this office, all fingerprint information and any information pertaining to the results of any fingerprint search is to be removed from the file - this information is not public record. In order to review these files, a person must complete the "REQUEST TO REVIEW" form with all requested information, show identification to the staff member assisting them, and sign the form.

The staff member assisting this person is to verify the identification presented, note the type, number, and state issued by in the space provided, and initial to indicate that this procedure was followed. The person who requests to review any file is to be informed that the licensee or applicant whose file is reviewed will receive a copy of the request form, and will be advised by telephone (if possible) of the request and review.

If any person has a problem or question regarding any of the procedures regarding RECORDS INFORMATION, they may bring it before the Private Investigation and Polygraph Commission at the next scheduled Board Meeting.

This Policy adopted by the Private Investigation Commission on February 14, 1992.

Amended 09/24/93

Revised 08/25/00

**POLICY #2 - NATIONAL INSURANCE CRIME BUREAU EXEMPTION**  
NATIONAL INSURANCE CRIME BUREAU ( A NON-PROFIT ORGANIZATION) IS TO BE CONSIDERED EXEMPT FROM TENNESSEE REGULATIONS REGARDING PRIVATE INVESTIGATOR LICENSING.

This exemption only applies specifically to the National Insurance Crime Bureau, and is not to be construed to include other non-profit or similar organizations.

This Policy adopted by the Private Investigation Commission on February 14, 1992.  
Amended 09/24/93

**POLICY #3 - MORTGAGE DEFAULT INSPECTORS EXEMPTION**  
MORTGAGE DEFAULT INSPECTORS ARE TO BE CONSIDERED EXEMPT FROM TENNESSEE REGULATIONS REGARDING PRIVATE INVESTIGATOR LICENSING, PROVIDED THE INSPECTORS PERFORM ONLY THE FOLLOWING DUTIES:

In the process of foreclosing, a representative of the company would interview the homeowner/mortgagor to find out why there is a delinquency in the payments. In addition, if the house is vacant or looks vacant, the company representative might talk to a neighbor to verify the occupancy status of the real property.

After these interviews, a report is filed with the mortgage company detailing the findings of fact.

This description of duties provided by Attorney Joe M. Kirsch for LFC Nationwide. This exemption was requested by LFC Nationwide and applies to MORTGAGE DEFAULT INSPECTORS who perform ONLY duties as described above.

This Policy adopted by the Private Investigation Commission on March 6, 1992.  
Amended 09/24/93

**POLICY #4 - TENNESSEE PRIVATE INVESTIGATOR LICENSEES  
TERMINATION OF COMPANY AFFILIATION,  
THIRTY (30) DAY NOTICE PROCEDURES AND  
FOLLOW-UP PROCEDURES - RE: T.C.A. 62-26-204©**

After receipt of a notice of termination from a Private Investigation Company or a Private Investigator Licensee which does not also provide the Commission with a new Private Investigation Company affiliation for the licensee, certified mail correspondence will be issued to the licensee informing he/she they are required to notify this office of their "new" company affiliation within thirty (30) days of the termination. This correspondence should indicate that any licensee who does not comply with **T.C.A. 62-26-204(c)** by providing the Private Investigation and Polygraph Commission of their company affiliation with a "licensed" Tennessee Private Investigation Company within the specified thirty (30) days will be considered "in violation" of **T.C.A. 62-26-204(c)**, and the licensee's status on the Regulatory Board database (RBS) will be changed to reflect this status.

If, after initiation of this process the licensee provides the Commission with evidence of affiliation as required by **T.C.A. 62-26-204(c)**, Commission staff will change the license status in RBS to "active".

Should the Tennessee Private Investigator License, if surrendered to the Commission in order to comply with **T.C.A. 62-26-204(c)**, expire during the period of time between the surrender and the reinstatement, the normal renewal procedures will apply. If the renewal application documenting the new company affiliation is postmarked after the expiration date, the late renewal penalty will be assessed. If the renewal application documenting the new company affiliation is received more than thirty (30) days after the expiration date of the license, it will be necessary for the applicant to reapply. **[T.C.A. 62-26-211(b)(c)]**

This Policy adopted by the Private Investigation Commission on May 8, 1992.

Revised      12/04/92/Revised      03/19/93/Amended      09/24/93/Revised  
08/25/00

**POLICY #5 - OPEN APPLICATIONS**

If a Private Investigator License application or a Private Investigation Company License application has been on file with the Private Investigation Commission for more than six (6) months without diligent effort on the applicant's part to continue the application process, the application file will be closed and considered **INACTIVE** and it will become necessary for the applicant to reapply for licensing.

Once an application for a Private Investigator License or a Private Investigation Company License has been approved by the Tennessee Private Investigation and Polygraph Commission, and notice of the approval requesting the license fee is submitted to the applicant, the applicant has sixty (60) days from the date indicated on the approval to complete the process by paying the required license fee(s). If the applicant fails to complete the process within the specified sixty (60) days, the application file will be closed and considered **INACTIVE** and it will become necessary for the applicant to reapply for licensing.

This Policy adopted by the Private Investigation Commission on May 8, 1992.

Amended 09/24/93

Amended 08/25/00

**POLICY #6 - CEASE AND DESIST LETTERS**

If a verbal or written complaint is received by the Private Investigation and Polygraph Commission regarding unlicensed individuals or companies practicing private investigations in the State of Tennessee without a license issued by this Commission, a **Cease & Desist** letter shall issue to the respondent stating:

"It has been brought to the attention of the Tennessee Private Investigation and Polygraph Commission that you have been engaged in unlicensed activity as a Private Investigator. Tennessee law requires one to hold a Private Investigator License to engage in this type of activity. Furthermore, Tennessee Code Annotated Chapter 39-16-302 prohibits the impersonation of licensed professionals, and the resulting violation is a felony.

You are hereby notified to immediately **CEASE AND DESIST** this illegal activity until you have acquired the proper licensure. Continued violation on your part will result in criminal and/or civil prosecution.

If you require additional information, or choose to respond, you may contact the Tennessee Private Investigation and Polygraph Commission at 615/741-4827."

This Policy adopted by the Private Investigation Commission on June 5, 1992.

Revised 03/19/93

Amended 09/24/93

Revised 08/25/00

**POLICY #7 - PRIVATE INVESTIGATOR APPLICANT & LICENSEE  
CORRESPONDENCE FORWARDED TO PRIVATE  
INVESTIGATION COMPANY AFFILIATE**

All correspondence from the Tennessee Private Investigation and Polygraph Commission to Private Investigator License Applicants or Private Investigator Licensees is to be sent to the Private Investigation Company with which they are affiliated.

All correspondence is to be addressed to the Private Investigation Company, Attn: Applicant or Licensee, showing the Private Investigation Company address, city, state, and zip code.

This is to include any and all correspondence from the Commission office (i.e. requests for information, notification of application approval requesting remittance of the license fee, license issuance, renewals, and complaints), with the exception of correspondence regarding the applicant's or licensee's criminal history.

Requests for documentary dispositions, or any correspondence regarding information received from the applicant's or licensee's T.B.I. or F.B.I. fingerprint report is to be sent to the applicant's or licensee's home address and is to include the F.B.I. disclaimer.

**Private Investigation and Polygraph Commission Resolution:**

**The Tennessee Private Investigation and Polygraph Commission will hold the Private Investigation Company Licensee responsible for supervising and controlling the Private Investigators licensed in affiliation with his or her company.**

This Policy and Resolution adopted by the Private Investigation Commission on June 5, 1992.

Amended 09/24/93

Amended 08/25/00

**POLICY #8 - PRINTED OR PROMOTIONAL MATERIAL**

Pursuant to T.C.A. 62-26-217(2):

(1) Production and/or use of any printed matter or promotional materials, including but not limited to radio, television, Internet or print advertising, letterhead, business cards or flyers regarding a licensee of the Private Investigation and Polygraph Commission which do not bear the true name(s) under which the licensee is licensed by the Commission as a Private Investigator or Private Investigation Company shall constitute misrepresentation.

(2) Failure to include the true name under which a licensee is licensed by the Tennessee Private Investigation and Polygraph Commission as a Private Investigator or Private Investigation Company, in addition to any D/B/A's, A/K/A's, or alias names, on any printed matter or promotional materials, including but not limited to radio, television, Internet or print advertising, letterhead, business cards or flyers shall constitute misrepresentation.

(3) Failure by a Private Investigator to indicate a Private Investigator's company affiliation on any printed matter or promotional materials, including but not limited to radio, television, Internet or print advertising, letterhead, business cards or flyers shall constitute a misrepresentation.

This Policy adopted by the Private Investigation Commission on June 5, 1992.

Amended 09/24/93

Revised 08/25/00

**POLICY #9 - INDIVIDUAL/COMPANIES OFFERING SERVICES CHECKING PUBLIC RECORDS**

Any individual or company which offers services researching ONLY "public records", or offers services researching computer databases which are available to the public would not be required to hold a Tennessee Private Investigator License.

If that individual or company contacts individuals or businesses (i.e. friends, relatives, schools, former employers, former landlords, etc.) in order to verify information obtained by researching public records of computer databases available to the public as part of the services offered, or contacts individuals or businesses in order to obtain additional information as part of the services offered, or offers services as defined in **T.C.A. 62-26-202**, a Tennessee Private Investigator License and a Tennessee Private Investigation Company License would be required.

This Policy adopted by the Private Investigation Commission on January 29, 1993.

Revised 05/18/95

**POLICY #10 - STAFF ATTORNEY AUTHORITY**

The Tennessee Private Investigation and Polygraph Commission hereby authorizes their staff attorney to send complaint cases to the Regulatory Boards Investigative Division as the need arises without a formal Commission vote, authorizes their staff attorney to send Cease and Desist Orders to unlicensed individuals and companies as the need arises without a formal Commission vote, and also authorizes their staff attorney to schedule informal conferences without a formal Commission vote.

Staff attorney is further authorized with the aid of the Commission staff to make a determination as to whether or not applicants with misdemeanor conviction(s) should be approved for licensing, provided they have properly divulged such conviction(s) on their application. All such applicants may be brought before the Commission at staff attorney's discretion.

All applicants with felony convictions must be brought before the Commission for licensing approval.

This Policy adopted by the Private Investigation Commission on January 29, 1993.

Revised 03/19/93/Revised 07/23/93/Amended 09/24/93/Amended 08/25/00

**POLICY #11 - DISTRIBUTION OF MINUTES**

Copies of minutes of the Tennessee Private Investigation and Polygraph Commission meetings will not be made available to the public or licensees until the Commission has formally approved and signed the minutes.

This Policy adopted by the Private Investigation Commission on March 19, 1993.

Amended 09/24/93

Amended 08/25/00

**POLICY #12 - MATERIAL FALSE STATEMENTS ON APPLICATIONS**

Effective August 1, 1993 all applicants providing a materially false statement on their application for licensure shall appear before the Commission. If such statement is found to have been willfully and knowingly made, the application shall be denied for a period of time to be determined on a case by case basis.

Applicants who have taken the exam prior to such denial shall not be required to retake the exam if their application is accepted within two (2) years from the date they originally received a passing grade.

This Policy adopted by the Private Investigation Commission on July 23, 1993.

Amended 09/24/93



**POLICY #13 -       APPLICANT EXAMINATION REQUIREMENTS**

1)       Grand fathered licensees will not be required to take the private investigation company examination, provided their license has remained current immediately prior to a company application being made.

Any Grand fathered licensee, who has never taken the company examination and who desires to start a private investigation company independent of that under which he was Grand fathered, must take and pass the company examination before a license for the new company will be granted.

2)       Any applicant who has previously successfully completed the private investigator or private investigation company examination, whose license has expired and who submits reapplication for licensing within two (2) years of the expiration date of the license, will not be required to retake the examination.

3)       Any applicant for a private investigator or private investigation company license, who previously held a license(s), has allowed their license(s) to expire and has never taken the examination(s), will be required to successfully complete the pertinent examination(s).

4)       Any new qualifying agent for an existing investigation company must successfully complete the private investigation company examination within thirty (30) days of the effective date of the replacement of the qualifying agent of record, unless the new qualifying agent has previously successfully completed the examination.

This Policy adopted by the Private Investigation Commission on July 23, 1993.  
Amended    10/27/93

**POLICY #14 -       CONTINUING PROFESSIONAL EDUCATION (CPE)  
REPEALED 01/29/1999 [SEE POLICY# 21]**

**POLICY #15 - LICENSE SUSPENSIONS**

Any individual or company licensee that is under consent, agreed or Commission ordered suspension shall not be granted license renewal unless all requirements of the Tennessee Private Investigators Licensing and Regulatory Act and Administrative Rules have been met, including company affiliation as required of individual licensees.

This Policy adopted by the Private Investigation Commission on February 25, 1994.

**POLICY #16 - COMPANY APPLICATION, LICENSE & RENEWAL FEES**

For the purpose of assessing the correct private investigation **company application, license and renewal fees**, the “employees” referenced in **T.C.A. 62-26-208(a) & (b) [Rule 1175-1-.11]**, and **T.C.A. 62-26-211(b) [Rule 1175-1-.12]** shall be identified as licensed private investigators, private investigator license applicants and private investigator apprentices affiliated with the private investigation company.

Private investigation company license applicants, whose licenses have **not yet been issued** and who prior to such issuance add any number of investigator(s) above that listed when application was made, shall prior to issuance pay all application and license fees which would have been due had the additional investigators been listed on the notarized statement submitted with the initial application.

An individual, who applies for a private investigation company license, but is not a licensed private investigator and who at the time of issuance of that license has not yet employed a licensed private investigator, will be considered a sole practitioner for the purpose of issuing that license. Upon the employment of licensed investigator(s), that individual holding the company license but not an individual private investigator license, shall not be counted in the total number of investigators employed by that company for the purpose of assessing the correct company renewal fee.

This Policy adopted by the Private Investigation Commission on March 25, 1994.

**POLICY #17 - PRIVATE INVESTIGATION COMPANY SALES REPRESENTATIVES**

Sales representatives for private investigation companies who accept cases on behalf of their employer and/or perform any of the functions listed in **T.C.A. 62-26-202(6)** shall be considered private investigators for the purposes of licensure.

This Policy adopted by the Private Investigation Commission on March 25, 1994.

**POLICY #18 - UNDERCOVER INVESTIGATORS**

In determining whether an individual conducting an undercover investigation should be deemed exempt from licensure under **Tennessee Code Annotated, Section 62-26-223(b)(5)**, the Commission shall examine the nature of the relationship between the business for whom the investigation is being conducted and the individual conducting the investigation. If a true employer/employee relationship exists, the exemption should be allowed.

In making this analysis and determination, the Commission shall refer to Opinion of the Attorney General, No. U94-122, Dated September 20, 1994.

This Policy adopted by the Private Investigation Commission on July 29, 1994.  
Amended 01/27/95

**POLICY #19 - 1994 CONTINUING EDUCATION REQUIREMENTS**

The Tennessee Private Investigators Licensing and Regulatory Act was amended to require six (6) hours of CONTINUING PROFESSIONAL EDUCATION each calendar year for all Private Investigator Licensees.  
**(T.C.A. 62-26-255)**

The Administrative Rules concerning this new requirement were promulgated at a Rulemaking Hearing on January 14, 1994. These new rules were recently approved by the Tennessee Attorney General, have been filed with the Tennessee Secretary of State, and are set to become effective October 26, 1994.

At the August 26, 1994 meeting, the Tennessee Private Investigation Commission determined the six (6) hours of continuing professional education would NOT be required for the 1994 calendar year, due to the fact that the rules implementing the statute will not become effective until October 26, 1994.

The requirement of six (6) hours continuing professional education will be enforced in the 1995 calendar year.

All licensees who have completed continuing professional education during the 1994 calendar year are to be commended for raising the standards of professionalism in the industry; however these hours may not be carried forward for credit next year.

Policy #19 effective through December 31, 1994.

This Policy adopted by the Private Investigation Commission on August 26, 1994.

**POLICY #20 - FAILURE TO NOTIFY THE COMMISSION AS REQUIRED**  
**RE: T.C.A. 62-26-212(2) and**  
**Administrative Rules 1175-1-.05 & 1175-1-.06**

Any Private Investigation Company that fails to notify the Tennessee Private Investigation and Polygraph Commission within thirty (30) days of the death or termination of a private investigator or apprentice private investigator shall be issued a **Letter of Warning** stating:

"It has been brought to the attention of the Tennessee Private Investigation and Polygraph Commission that you have failed to notify the Commission office of the death or termination of an investigator affiliated with your company. Tennessee Code Annotated, Section 62-26-213(2) requires a licensee to notify the Commission in writing within thirty (30) days of any material change in information previously furnished or required to be furnished to the Commission. Furthermore, **Rule 1175-1-.06** of the Administrative Rules of the Tennessee Private Investigation and Polygraph Commission requires an investigation company to notify the Commission in writing within thirty (30) days of the death or termination of an investigator.

In the case of termination, the company must state the reason for such termination.

Accordingly, this **Letter of Warning** will be placed in your file. Any subsequent violation of these provisions will result in the assessment of a civil penalty in an amount no less than one hundred dollars (\$100.00)."

This Policy adopted by the Private Investigation Commission on March 22, 1996.

**POLICY #21 - FAILURE TO COMPLETE REQUIRED CONTINUING PROFESSIONAL EDUCATION - RE: Administrative Rule 1175-2-.08**

Any private investigator licensee, who does not complete six (6) hours of continuing professional education per calendar year, as required by Tennessee Code Annotated sec. 62-26-225, becomes ineligible for license renewal. Upon the licensee's submission of proof of completion of the required education hours, the licensee will then become eligible for renewal subject to any additional penalties prescribed by the Private Investigation and Polygraph Commission.

Any licensee who fails to complete the required six (6) hours of continuing professional education per calendar year will be assessed a civil penalty of no less than fifty dollars (\$50.00).

Any licensee subject to the provisions of this policy who does not come into compliance within sixty (60) days of the expiration date of his/her license will be denied license renewal and will be required to reapply for licensure.

Continuing professional education shall not be required during the first calendar year in which the investigator is licensed.

This policy adopted by the Tennessee Private Investigation Commission on March 22, 1996. Policy #14 repealed & Policy #21 revised by the Tennessee Private Investigation Commission January 29, 1999. Revised 08/29/2002.

**POLICY #22 - ANONYMOUS COMPLAINTS**

The following procedures are to be followed with regard to the processing of anonymous complaints:

Anonymous complaints containing advertisements or other independent proof of a violation will be opened as complaint files and processed according to the normal complaint procedures.

[Independent proof is defined as proof which does not depend solely on the statement of the anonymous complaint. Examples of independent proof are photographs, news articles, contracts and other documentary evidence.]

All other anonymous complaints will be subject to administrative closure without presentation to the Commission.

This Policy adopted by the Private Investigation Commission on April 11, 1997.

**POLICY #23 - INVESTIGATORS PERFORMING TEMPORARY WORK FOR INVESTIGATION COMPANY THAT DOES NOT HOLD THEIR LICENSE AFFILIATION**

The Tennessee Private Investigation and Polygraph Commission has adopted the following policy in response to inquiries regarding the temporary engagement of a private investigator by an investigation company with which the investigator is not affiliated.

When consumer complaints are received involving this type of arrangement, each such case will be reviewed upon its own merits. The Commission, in determining any responsibility for the investigator's acts or omissions, will consider the participation, conduct and actual knowledge of the facts of each private investigation company involved.

This policy adopted by the Tennessee Private Investigation Commission on September 25, 1998.

Amended 08/25/00

**POLICY #24 - REVIEW OF CONTINUING EDUCATION MATERIALS**

All continuing education courses submitted for approval shall be reviewed by the education committee. All continuing education course materials must be forwarded to each education committee members in such a manner so that the committee member receives said materials no less than ten (10) days prior to the next Private Investigation and Polygraph Commission meeting.

If the continuing education materials submitted cannot be provided to each education committee member within ten (10) days of the next meeting, the materials will not be placed on the Commission agenda and such matters will not be considered until the next Commission meeting.

This policy adopted by the Private Investigation Commission on March 19, 1999.

Amended 08/25/00

**POLICY #25 - ACCEPTANCE OF P.O.S.T. TRAINING**

The Tennessee Private Investigation and Polygraph Commission will not accept closed P.O.S.T. (Police Officers Standards Training) courses which are not "open to the public", and any other courses submitted which are not "open to the public" will not be approved as meeting Tennessee Private Investigator continuing professional education requirements.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on January 28, 2000.

Amended 08/25/00

**POLICY #26 - EXCEPTIONS TO APPLICABILITY**

- (1) For purposes of T.C.A. §62-26-223(b)(3)(B), the term "employee" shall be defined as an individual to whom wages are paid by the attorney or law firm and from whose wages Federal Income Tax and/or Federal Insurance Contributions Act monies are withheld by the attorney or law firm.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on August 25, 2000.

Revised 12/15/00.

**POLICY #27 - RESPONSES TO COMPLAINTS REQUIRING INCLUSION OF CONFIDENTIAL INFORMATION**

When, in the opinion of the Investigator, it is necessary to include confidential information regarding the Investigator's client in order to accurately and completely respond to a Complaint, such information may be disclosed in accordance with the following procedure:

- 1) All such information shall be marked "CONFIDENTIAL" on the front page in red ink letters no less than one quarter inch (1/4") high;
- 2) All such information shall be sent, together with a response letter indicating the Complainant's name, the Respondent's name and the Complaint number, to the Staff Attorney's office at the following address:  
State of Tennessee  
Department of Commerce and Insurance  
Office of Legal Counsel  
Private Investigation & Polygraph Commission - Staff Attorney  
312 Eighth Avenue North, 25<sup>th</sup> Floor  
Nashville, Tennessee 37243
- 3) The word "CONFIDENTIAL" shall be marked on the outside of the envelope in red ink letters no less than one quarter inch (1/4") high.

The purpose of this policy is to limit as much as possible the number of individuals with access to confidential information regarding the Investigator's client. This policy is in no way intended to prevent the use of such confidential information in the disciplinary process, and the staff attorney may share such information with any staff members and/or Commission members as the attorney deems appropriate.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on October 27, 2000.

**POLICY #28 - RETIREMENT OF PRIVATE INVESTIGATOR LICENSE**

For the purpose of retirement of a Tennessee Private Investigator License, the license must be in “good standing” with the Tennessee Private Investigation and Polygraph Commission. The individual requesting retirement must:

- (1) Be current on continuing professional education requirements for all previous calendar years.
- (2) Be affiliated with a licensed private investigation company, or within the thirty (30) day grace period provided by T.C.A. 62-26-204(c). During retirement the private investigation company affiliation will not be required.
- (3) Prior to returning the license to an “active” status, the licensee must have an affiliation with a licensed private investigation company, and will be required to complete the continuing professional education requirements for the calendar year they take the license out of retirement.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on September 28, 2001.



## **POLICY #29 – EVALUATION OF APPLICANTS FOR LICENSURE**

For the purposes of evaluating the moral character of applicants for licensure pursuant to the Private Investigators Licensing and Regulatory Act and the Polygraph Examiners Act, each applicant must:

- (1) If convicted in any jurisdiction of any of the crimes listed herein, have completed serving sentence or court ordered probation at least five (5) years prior to application for any felony and two (2) years for any misdemeanor. Conviction of the following crimes shall disqualify an applicant, subject to the conditions stated in this policy:
  - (A) Any felony; or
  - (B) Any misdemeanor involving:
    - (i) Shoplifting;
    - (ii) Assault and battery or other act of violence against persons or property;
    - (iii) Crimes involving the sale, manufacture or distribution of controlled substances, drugs or narcotics; or
    - (iv) Theft of property or services
- (2) Not be suffering from habitual drunkenness or narcotics addition or dependence. Persons who are unlawful users of or addicted to any controlled substance, as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 922(g)(3). This prohibition includes any person who is a current user of a controlled substance. An inference of current use may be drawn from recent use or possession of a controlled substance: e.g. a positive drug test upon arrest or during probation within the past year, or a conviction for use or possession of a controlled substance within the past year, or multiple arrests for such offenses within the past five (5) years if the most recent arrest occurred within the past year.
- (3) Not have been discharged from the Armed Forces under conditions other than honorable.
- (4) Not be subject to a court order restraining them from committing an act of domestic violence. The order must have been issued after a hearing during which the person restrained received actual notice of the hearing and had an opportunity to participate. The restrained individual need have only an opportunity to participate in the hearing; consequently, failure to appear at the hearing or consenting to the entry of the order (without a hearing) does not affect this prohibition. Consent orders and orders entered by a court upon the respondent's failure to appear qualify under this prohibition.

The order must restrain the person from harassing, stalking, or threatening an intimate partner of such person or the child of the intimate partner or the respondent or restrain the individual from engaging in other conduct which would place the intimate partner in reasonable fear of bodily injury to the partner or child. The order must include either a finding that such person represents a credible threat to the physical safety of the intimate partner or child or explicitly prohibit the use, attempted use. Or threatened use of physical force against the intimate partner or child which would reasonably be expected to cause bodily injury.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on November 30, 2001.

**POLICY #30 - RENEWAL APPLICATIONS (NOTARIZED STATEMENTS, COMPANY AFFILIATION, LATE FEES AND PHOTOS)  
RE: T.C.A. 62-26-211**

**Any licensee who fails to submit the late fee with the renewal application, if postmarked after the expiration date, must pay the required late fee(s) within sixty (60) days of the expiration date of the license, or license renewal will be denied and the private investigator or private investigation company will be required to reapply for licensure.**

**All documents, including late fees, required for renewal must be received by the Commission within sixty (60) days of the license expiration date, or license renewal will be denied and the private investigator or private investigation company will be required to reapply for licensure.**

- 1) Private investigators who fail to complete the renewal form, and/or Fail to submit two (2) color passport style photos with the license renewal.
- 2) Private investigators who do not submit documentation of their company affiliation, as required by **T.C.A. 62-26-204(c)**.
- 3) Private investigation companies who fail to submit a notarized statement sworn to by the applicant as to the identity and number of private investigators employed by or affiliated with such investigations company. **(T.C.A. 62-26-211(d)).**

**T.C.A. 62-26-211(b)** A penalty fee as prescribed by the Commission will be assessed on any renewal application postmarked after the expiration date of the license.

**Any private investigator or private investigation company whose renewal is postmarked after the expiration date of the license is subject to late fees, as defined in Administrative Rule 1175-1-.12.**

**T.C.A. 62-26-211( c)**: "No renewal application will be accepted more than thirty (30) days after the expiration date of the license.

This policy adopted by the Tennessee Private Investigation Commission on August 29, 2002

**POLICY #31 -        APPLICANTS REAPPLYING FOR LICENSURE MUST BE IN GOOD STANDING**

In the event that a Respondent allows his or her individual or company private investigator's license to expire while he or she has outstanding continuing professional education credits and unpaid civil penalties, then the Respondent must be in good standing for the previous two (2) years before the Respondent is allowed to reapply for his or her license.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on February 27, 2004.

**POLICY #32 -        CONTINUING PROFESSIONAL EDUCATION CREDIT RECEIVED FOR ATTENDING THE TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION MEETING**

The Tennessee Private Investigation and Polygraph Commission will award Private Investigators continuing professional education credits for attendance at a Private Investigation and Polygraph Commission meeting. Private Investigators will receive three (3) hours of continuing professional education for attending the meeting. Private Investigators who elect to attend a meeting for credit should complete the sign-in sheet for continuing education credit prior to the start of the Commission meeting. At the end of the Commission meeting certificates of attendance for three (3) hours of continuing education credit, per meeting attended, will be awarded to the Private Investigators who have signed up for credit.

This policy adopted by the Tennessee Private Investigation and Polygraph Commission on February 27, 2004.

## **POLYGRAPH EXAMINER POLICIES**

### **POLICY # 1 - STAFF ATTORNEY AUTHORITY**

The Tennessee Private Investigation and Polygraph Commission hereby authorizes their staff attorney to send complaint cases to investigations as the need arises without a formal Commission vote, authorizes their staff attorney to send Cease and Desist Orders to unlicensed individuals and companies as the need arises without a formal Commission vote, and also authorizes their staff attorney to schedule informal conferences without a formal Commission vote.

Staff Attorney, in consultation with Administrative Director, is authorized to approve Polygraph Examiner Internship Permits pursuant to **T.C.A. §62-27-111**. Any intern applicant whose application file contains a felony or misdemeanor conviction must be presented to the Commission for approval or denial.

All applicants may be brought before the Commission at staff attorney's discretion.

This Policy adopted by the Private Investigation and Polygraph Commission on August 25, 2000.